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|---|--|---|--|---|--|
| FORM PTO 1390<br>(REV 5-93)   |  | US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |  | ATTORNEY DOCKET NUMBER<br>2004_1361A  |  |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. §371   |  |   |  | U.S. APPLICATION NO.<br>(if known, see 37 CFR 1.51)<br>NEW <b>10/506790</b> |  |
| International Application No.<br>PCT/EP03/02324   |  | International Filing Date<br>March 6, 2003            |  | Priority Date Claimed<br>March 8, 2002                                      |  |
| Title of Invention<br>IMPLANTABLE DEVICE  |  |   |  |   |  |
| Applicant(s) For DO/EO/US<br>Alain JORDAN and Jean-Charles MONTAVON   |  |   |  |   |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |  |   |  |
| 1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. §371.<br>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. §371.<br>3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. §371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. §371(b) and PCT Articles 22 and 39(1).<br>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.<br>5. <input checked="" type="checkbox"/> A copy of the International Application as filed <b>[in English]</b> (35 U.S.C. §371(c)(2))<br>a. <input checked="" type="checkbox"/> is transmitted herewith. <b>ATTACHMENT B</b><br>b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau. <b>ATTACHMENT A</b><br>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/ US)<br>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. §371(c)(2)).<br>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3)).<br>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).<br>b. <input type="checkbox"/> have been transmitted by the International Bureau.<br>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br>d. <input type="checkbox"/> have not been made and will not be made.<br>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19.<br>9. <input checked="" type="checkbox"/> An <u>Executed</u> oath or declaration of the inventor(s) (35 U.S.C. §371(c)(4)). <b>ATTACHMENT C</b><br>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. §371(c)(5)).<br><b>Items 11. to 14. below concern other document(s) or information included:</b><br>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <b>ATTACHMENT D</b><br>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <b>ATTACHMENT E</b><br>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment. <b>ATTACHMENT F</b><br><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.<br>14. <input checked="" type="checkbox"/> Other items or information:<br>• Cover Page of Published International Application No. WO 03/077191 <b>ATTACHMENT G</b><br>• Form PCT/IB/304 <b>ATTACHMENT H</b> |  |   |  |   |  |

| U.S. APPLICATION NO. <b>10/506790</b><br>NEW  |              | INTERNATIONAL APPLICATION NO.<br>PCT/EP03/02324 |   | ATTORNEY'S DOCKET NO.<br>2004_1361A   |         |              |              |  |  |
|---|--------------|---|---|---|---------|--------------|--------------|--|--|
| 15. <input checked="" type="checkbox"/> The following fees are submitted<br><br><b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b><br>Neither international preliminary examination fee nor international search fee paid to USPTO<br>and International Search Report not prepared by the EPO or JPO. .... \$1080.00<br>International Search Report has been prepared by the EPO or JPO. .... \$ 920.00<br>International preliminary examination fee not paid to USPTO but international search<br>paid to USPTO. .... \$ 770.00<br>International preliminary examination fee paid to USPTO but claims did not satisfy provisions<br>of PCT Article 33(1)-(4) .... \$ 690.00<br>International preliminary examination fee paid to USPTO and all claims satisfied provisions of<br>PCT Article 33(1)-(4). .... \$ 100.00<br><br><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> |              |   |   | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">CALCULATIONS</th> <th style="width:50%;">PTO USE ONLY</th> </tr> <tr> <td style="height: 100px;"></td> <td></td> </tr> </table> |         | CALCULATIONS | PTO USE ONLY |  |  |
| CALCULATIONS  | PTO USE ONLY |   |   |   |         |              |              |  |  |
|   |              |   |   |   |         |              |              |  |  |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed<br>priority date (37 CFR 1.492(e)).  |              |   |   | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">\$</td> <td style="width:50%;"></td> </tr> </table>   |         | \$           |              |  |  |
| \$  |              |   |   |   |         |              |              |  |  |
| Claims  | Number Filed | Number Extra                                    | Rate  |   |         |              |              |  |  |
| Total Claims  | 17 -20 =     | --0--   | X \$18.00   | \$  |         |              |              |  |  |
| Independent Claims  | 1 - 3 =      | --0--   | X \$86.00   | \$  |         |              |              |  |  |
| Multiple dependent claim(s) (if applicable)   |              |   | + \$290.00  | \$  |         |              |              |  |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |              |   |   | \$920.00  |         |              |              |  |  |
| <input type="checkbox"/> Small Entity Status is hereby asserted. Above fees are reduced by 1/2.   |              |   |   | \$  |         |              |              |  |  |
| <b>SUBTOTAL =</b>   |              |   |   | \$920.00  |         |              |              |  |  |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest<br>claimed priority date (37 CFR 1.492(f)).   |              |   |   | +   | \$      |              |              |  |  |
| <b>TOTAL NATIONAL FEE =</b>   |              |   |   | \$920.00  |         |              |              |  |  |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an<br>appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property  |              |   |   | +   | \$40.00 |              |              |  |  |
| <b>TOTAL FEES ENCLOSED =</b>  |              |   |   | \$960.00  |         |              |              |  |  |
|   |              |   |   | Amount to be refunded   | \$      |              |              |  |  |
|   |              |   |   | Amount to be charged  | \$      |              |              |  |  |
| a. <input checked="" type="checkbox"/> A check in the amount of <u>\$960.00</u> to cover the above fees is enclosed. A duplicate copy of this form is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. 23-0975 in the amount of \$_____ to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any<br>overpayment to Deposit Account No. <u>23-0975</u> .  |              |   |   |   |         |              |              |  |  |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b))<br/>         must be filed and granted to restore the application to pending status.</b>   |              |   |   |   |         |              |              |  |  |
| 19. CORRESPONDENCE ADDRESS<br><br><br><br><br><br><br><br><br><br><div style="text-align: center;">           CUSTOMER NO.<br/> <b>000513</b> </div>  |              |   | By: <u>Michael S. Huppert</u><br>Michael S. Huppert,<br>Registration No. 40,268<br><br>WENDEROTH, LIND & PONACK, L.L.P.<br>2033 "K" Street, N.W., Suite 800<br>Washington, D.C. 20006-1021<br>Phone: (202) 721-8200<br>Fax: (202) 721-8250<br><br>September 7, 2004 |   |         |              |              |  |  |

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